

Remarks

Claims 72 – 74, 77 – 80, 84, 87 – 95, 103, 106 – 114, and 228 – 241 are pending. In the Action, the Examiner restricts out claims as presented in Amendment filed on November 19, 2008 (“Group II”) from claims as presented in Amendment filed on February 29, 2008 (“Group I”). The Amendment filed on November 19, 2008 with Group II claims is presently considered non-responsive.

By this response, Applicants have amended claims 72, 73, 74, 77 – 80, 87, 89 – 90, 95, 97, 106, 107, 111, and 114 to recite subject matters of the elected invention, and responds to the Action dated May 18, 2008 accordingly.

Applicants have also cancelled claims 228 – 241.

Applicants thus respectfully submit that this Amendment is responsive, and satisfies the restriction requirement. Reconsideration of the claims in view of the following remarks is respectfully requested.

Election/Restrictions

The Examiner restricts out claims as presented in Amendment filed on November 19, 2008 (“Group II”) from claims as presented in Amendment filed on February 29, 2008 (“Group I”). Particularly, the Examiner considers the Group I claims are drawn to “an animated character that is superimposed over a game screen, where the character is periodically triggered to communicate information to the player, the character communicating such information as the awarding of prizes or appearance of dispensing a prize.” The Examiner also considers the Group II claims are drawn to “a gaming machine which generates a character based on a triggering event, the character associated with a first and second game, further where the first and second game appear to be bonus or secondary games in addition to a primary or base game.” (Page 2, Action.)

The Examiner also indicated that “claims of Group II are withdrawn from consideration as being directed to a non-elected invention.” (Page 4, Action.) Therefore, Group I is the

elected invention. Furthermore, the Examiner indicated that “[the] amendment filed on November 19, 2008 canceling all claims drawn to the elected invention and presenting only claims drawn to [an] non-elected invention is non-responsive.” (Page 4, Action.)

Applicants have thus amended the claims 72, 73, 74, 77 – 80, 87, 89 – 90, 95, 97, 106, 107, 111, and 114 to recite the elected invention of Group I. Particularly, amended claim 72 is directed to “a gaming console for playing a base game,” that includes, “a display configured to display images of the base game,” “a game controller configured to control the images to be displayed on the display, to play the base game wherein one or more random events are caused to be displayed on the display and, if a predefined winning event or combination of events results, the machine awards a prize,” and “a visual character, said visual character being periodically displayed to communicate information to the player, the character appearing on the display, said character having an association with a function of the gaming console, and wherein the appearance of the character is triggered by a random event related to the amount of a bet placed.”

Applicants respectfully submit that the presently amended claims are drawn to the elected invention, and thus satisfy the restriction requirement.

Claims 73, 74, 77 – 80, 87, 89 – 90, 95, 97, 106, 107, 111, and 114 have been amended accordingly.

Claims 228 – 241 have been cancelled.

Applicants also respectfully submit that Japanese Publication No. 09-047550, (“Ugawa”) does not anticipate presently amended claim 72, nor does it render presently amended claim 72 obvious.

Rather, Ugawa discloses

[when] operating routinely other than in the probability change mode, one character 77 as shown in A is superimposed on special pictorial pattern display parts 33a-33c each time a ready-for-winning state or a jackpot is detected. On the other hand, two characters 77, 78 as shown in B are superimposed on the special

pictorial pattern display parts 33a-33c each time the ready- for- winning state or the jackpot is decided, when operating in the positive change mode. Thus, **one character 77 is displayed for announcing the decision of the ready-for-winning state** or the jackpot when it is shown in a pictorial pattern **under the routine mode** and on the other hand, **two characters are displayed for announcing the decision of the ready-for-winning state** or the jackpot when it is shown in a pictorial pattern **under the probability change mode**. Consequently, this elastic ball game machine is designed so that the announcement for differentiating the pictorial pattern under the positive change mode from that under the routine mode, is made.

(Abstract, emphasis added.) That is, Ugawa discloses that each time the machine reaches a ready-for-winning state, either one or two characters are displayed at fixed positions depending on an operating mode of the machine. Therefore, Ugawa does not anticipate “said visual character being periodically displayed,” and “the appearance of the character is triggered by a random event related to the amount of a bet placed,” as recited in claim 72, because a ready-for-winning state is a random event, and that the ready-for-winning state is not related to an amount of a bet placed.

Independent claim 72 and claims 73 – 75, 77 – 79, 102, 103, 106, 107 depend from claim 72 therefore include patentable subject matter, and are allowable for at least the same reasons set forth above.

No new matter has been added.

Conclusion

Applicants respectfully submit that the remaining pending claims are allowable. In the event that the Examiner believes a telephone interview with the undersigned Applicants' Representative would be helpful in advancing prosecution of this patent application, the undersigned is available for telephone consultation during normal business hours.

Respectfully submitted,

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